

*Privileged & Confidential**Attorney Work Product**DRAFT 7.18.2025*

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL HICKSON	:	Civil Action No. 2:25-cv-02980-GAM
Plaintiff,	:	
v.	:	
PECO ENERGY CO., EXELON CORP.,	:	
NATURAL LANDS, EXELON	:	
FOUNDATION, THE ROCK CREEK	:	
GROUP/COMMUNITY IMPACT CAPITAL	:	
FUND, PATRICK NOONAN,	:	
PENNSYLVANIA PUBLIC UTILITY	:	
COMMISSION, GLADYS BROWN	:	
DUTRIEVILLE, TOM WOL, JIM KENNEY,	:	
Defendants.	:	

REC'D JUL 22 2025

JOINT STIPULATION FOR EXTENSION OF TIME FOR DEFENDANTS PECO ENERGY COMPANY, EXELON CORPORATION, NATURAL LANDS, EXELON FOUNDATION, THE ROCK CREEK COMMUNITY GROUP/COMMUNITY IMPACT FUND, AND PATRICK NOONAN TO ANSWER, MOVE, OR OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT

WHEREAS, on June 9, 2025, Plaintiff Michael Hickson filed a Complaint against Defendants PECO Energy Co., Exelon Corp., Exelon Foundation, RockCreek Group and Community Impact Capital Fund (together, "Rock Creek"),¹ Patrick Noonan, Natural Lands,² Pennsylvania Public Utility Commission, Gladys Brown Dutrieuille,³ Tom Wolf,⁴ and Jim Kenney;

¹ Plaintiff incorrectly identifies Community Impact Capital Fund and RockCreek Group, Community Impact Capital Fund's investment manager, as one party "The Rock Creek Group/Community Impact Capital Fund."

² Plaintiff incorrectly identified Natural Lands Trust, Inc d/b/a Natural Lands as "Natural Lands."

³ Plaintiff incorrectly spelled Defendant Dutrieuille's name as "Dutrieville."

⁴ Plaintiff incorrectly spelled Defendant Wolf's name as "Wol."

WHEREAS, on July 2, 2025, Natural Lands received a summons; on July 8, 2025, Rock Creek received a summons;⁵ on July 11, 2025, Defendants PECO Energy, Co., and Patrick Noonan received a summons;⁶ and, on July 14, 2025, Defendants Exelon Corporation and Exelon Foundation (collectively, the “Moving Defendants”) received a summons;⁷

WHEREAS, the Moving Defendants’ various service dates will lead to various deadlines to file responsive pleadings;

WHEREAS, the Moving Defendants have sought joint representation of counsel to save on fees and to advance common defenses;

WHEREAS, Plaintiff’s Complaint contains numerous allegations and seven counts, necessitating considerable review;

WHEREAS, the Court’s Guidelines for Counsel encourage agreed upon extensions for filing deadlines, especially at the outset of a case and which will not delay scheduling of trial; *see also* Fed. R. Civ. P. 6(b)(1)(A);

WHEREAS, on July 17, 2025, Plaintiff⁸ and the Moving Defendants conferred;

WHEREAS, to create uniformity in pleading deadlines and to promote judicial economy, the Plaintiff and the Moving Parties agree that a 60 day extension from the last deadline for the Moving Defendants to file their responsive pleading is appropriate;

WHEREAS, this is the Moving Defendants’ first request for an extension;

⁵ See ECF No. 5 (Plaintiff’s affidavit of service reflecting service on Natural Lands on July 2, 2025, and service on Rock Creek Group on July 8, 2025).

⁶ See Exhibit A (reflecting summons received for Defendant Noonan on July 11, 2025); Exhibit B (reflecting summons received for Defendant PECO on July 11, 2025).

⁷ See Exhibit C (reflecting summons received for Defendant Exelon Corporation on July 14, 2025); Exhibit D (reflecting summons received for Defendant Exelon Foundation on July 14, 2025).

⁸ Plaintiff requested that the Moving Defendants confer with his representative Orlando Acosta, as his “power of attorney.” However, upon determining that Mr. Acosta is not a licensed attorney, the Moving Defendants conferred directly with Plaintiff.

WHEREAS, the Plaintiff and the Moving Defendants do not believe the requested extensions will materially delay the resolution of this litigation; and

WHEREAS, good cause has been shown for an extension of time.

IT IS HEREBY STIPULATED AND AGREED, that the Moving Defendants will answer, move, or otherwise respond to the Complaint on or before October 3, 2025.

Respectfully submitted,

DATE: July 22, 2025

/s/
Michael Hickson
6604 N. 12th Street
Philadelphia, PA 19126
Plaintiff-Pro Se

/s/
Diana P. Cortes (PA. I.D. No. 204274)
MORGAN, LEWIS & BOCKIUS LLP
2222 Market Street
Philadelphia, PA 19103-3007
T: (215) 963-5000
F: (215) 963-5001
Diana.cortes@morganlewis.com

*Counsel for Defendants PECO Energy Co.,
Exelon Corp., Exelon Foundation, the Rock
Creek Group/Community Impact Capital
Fund, Patrick Noonan, and Natural Lands*

SO ORDERED this _____ day of _____, 2025.

Hon. Gerald A. McHugh
United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL HICKSON,

Plaintiff,

v.

PECO ENERGY COMPANY, et al.,

Defendants.

Civil Action No. 2:25-cv-02980-GAM

**PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION FOR
EXTENSION OF TIME**

TO THE HONORABLE COURT:

Orlando Acosta, acting as power of attorney for pro se litigant Michael Hickson, respectfully submits this response to Defendants' Motion for Extension of Time to respond to Plaintiff's Complaint.

PROCEDURAL BACKGROUND

1. Plaintiff Michael Hickson filed his Complaint in this matter on June 2025.
2. Defendants have filed a motion requesting an extension of time to respond to Plaintiff's Complaint.
3. Mr. Orlando Acosta serves as power of attorney for Plaintiff Michael Hickson pursuant to a written, notarized power of attorney agreement.
4. After conferring with Mr. Hickson regarding Defendants' request for extension, Plaintiff submits this response.

PLAINTIFF'S POSITION ON EXTENSION REQUEST

5. Plaintiff does not oppose granting Defendants an extension of time to respond to the Complaint, provided that such extension is reasonable and includes appropriate conditions.
6. **Plaintiff requests that any extension granted by this Court require all Defendants to file their responsive pleadings no later than September 3, 2025.**
7. Due to the delay caused by Defendants' request for extension, Plaintiff respectfully requests that this Court consider modifying the damages sought in this matter to include interest penalties as provided by applicable law.
8. Specifically, Plaintiff requests that a thirty percent (30%) interest penalty be added to the damage claim due to the delayed response, which would increase the total damages sought from Ten Million Dollars (\$10,000,000) to Sixteen Million Dollars (\$16,000,000).
9. Plaintiff asserts that under Pennsylvania state law and federal law, courts have the authority to impose such interest penalties for delayed responses to complaints, particularly where such delays prejudice the plaintiff's position.

AUTHORITY TO REPRESENT PLAINTIFF

10. Mr. Orlando Acosta appears in this matter as power of attorney for Plaintiff Michael Hickson pursuant to a validly executed, written, and notarized power of attorney agreement.
11. Plaintiff brings to this Court's attention that Defendants' counsel has failed to recognize or acknowledge Mr. Acosta's authority to represent Mr. Hickson despite the existence of the written, notarized power of attorney contract.
12. The United States Supreme Court has established clear precedent supporting the right of individuals to appear through properly authorized representatives, including:
 - a. **Schware v. Board of Bar Examiners**, 353 U.S. 232 (1957), which established principles regarding the right to legal representation and the authority of appointed representatives; and
 - b. **Sims v. Ahrens**, which further supports the authority of properly appointed representatives to act on behalf of principals in legal proceedings.

13. Under established Supreme Court precedent and the valid power of attorney agreement, Mr. Acosta has the legal authority to speak on behalf of and represent the interests of Mr. Michael Hickson in this litigation.

CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

- A. Grant Defendants' motion for extension of time, conditioned upon Defendants filing all responsive pleadings by no later than **September 3, 2025**;
- B. Order that the damage claim in this matter be increased from Ten Million Dollars (\$10,000,000) to Sixteen Million Dollars (\$16,000,000) to account for the thirty percent (30%) interest penalty due to Defendants' delayed response;
- C. Recognize and acknowledge Orlando Acosta's authority to represent Plaintiff Michael Hickson pursuant to the validly executed power of attorney agreement;
- D. Order Defendants' counsel to recognize and communicate with Mr. Acosta as the authorized representative of Plaintiff; and
- E. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

Orlando Acosta

Power of Attorney for Plaintiff Michael Hickson

[Address]

[City, State ZIP]

[Phone Number]

[Email Address]

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Plaintiff's Response to Defendants' Motion for Extension of Time was served upon all counsel of record by the method(s) indicated below on this _____ day of _____, 2025:

- By electronic filing through the Court's CM/ECF system
- By U.S. Mail, first class, postage prepaid
- By hand delivery
- By email

Orlando Acosta

Power of Attorney for Plaintiff

Mail body: Fwd: Hickson v. PECO et al. - Extension of Time

Sent from my iPhone

Begin forwarded message:

From: michael hickson <mikalh47@gmail.com>
Date: July 20, 2025 at 1:06:14AM EDT
To: orlandoacost685@gmail.com
Subject: Fwd: Hickson v. PECO et al. - Extension of Time

Sent from my iPhone

Begin forwarded message:

From: "Monks, Katie" <katherine.monks@morganlewis.com>
Date: July 18, 2025 at 4:15:10 PM EDT
To: mikalh47@gmail.com
Subject: Hickson v. PECO et al. - Extension of Time

Dear Mr. Hickson,

As we discussed yesterday, Defendants PECO, Exelon Corp., Exelon Foundation, Natural Lands, Rock Creek, and Patrick Noonan are seeking an extension of 60days from the last defendant served to respond to or answer the Complaint you filed in *Hickson v. PECO, et al.* This means our clients would file a response to the Complaint on or before October 3, 2025. Judge McHugh, the judge that is assigned to the case, encourages the parties to agree before asking the court for an extension. **Please let us know if you agree to the 60-day extension.** If you agree, we will file the stipulation attached to this email which states that both you and the defendants agree to the new deadline. **Please provide your response no later than Monday, July 21 at noon.**

I understand that you may wish that Mr. Acosta handles this for you or makes the decision. However, as he is not an attorney and you are representing yourself pro se, the professional rules of conduct require such communication be made to you.

Please let me know if you have any questions.

Sincerely,

Katie Monks

Katie Monks

Pronouns: She/Her/Hers

Morgan, Lewis & Bockius LLP

2222 Market Street | Philadelphia, PA 19103-3007

Direct: +1.215.963.8817 | Main: +1.215.963.5000 | Fax: +1.215.963.5001

katherine.monks@morganlewis.com | www.morganlewis.com

Mail body: Fwd: Michael Hickson

Sent from my iPhone

Begin forwarded message:

From: michael hickson <mikalh47@gmail.com>
Date: July 21, 2025 at 10:11:32 PM EDT
To: orlandoacost685@gmail.com
Subject: Fwd: Michael Hickson

Sent from my iPhone

Begin forwarded message:

From: "Monks, Katie" <katherine.monks@morganlewis.com>
Date: July 21, 2025 at 2:27:44 PM EDT
To: michael hickson <mikalh47@gmail.com>
Subject: RE: Michael Hickson

Mr. Hickson,

Thank you for sending your response and agreeing to an extension until September 3. **However, we need a response from you, not Mr. Acosta, confirming that you agree to an extension until September 3 and that you agree without any conditions.** If you do not agree, we will file a motion requesting an extension until October 3. **Please confirm this by 3:30 PM TODAY.**

As we discussed, we cannot respond to anything filed or agreed to by Mr. Acosta. Mr. Acosta is not a licensed attorney, and he cannot represent you in this matter. As you are representing yourself pro se, we will need confirmation directly from you.

Please feel free to call me if you have any questions.

Best regards,

Katie Monks
Pronouns: She/Her/Hers
Morgan, Lewis & Bockius LLP
2222 Market Street | Philadelphia, PA 19103-3007
Direct: +1.215.963.8817 | Main: +1.215.963.5000 | Fax: +1.215.963.5001
katherine.monks@morganlewis.com | www.morganlewis.com

-----Original Message-----

From: michael hickson <mikalh47@gmail.com>
Sent: Monday, July 21, 2025 1:11 PM

To: Monks, Katie <katherine.monks@morganlewis.com>
Subject: Michael Hickson

[EXTERNAL EMAIL]

CONFIDENTIALITY AND PRIVACY NOTICE: This email is from a law firm and may contain information that is confidential, privileged, and/or attorney work product. This email may also contain personal data, which we process in accordance with applicable data protection laws and our [Privacy Policies and Notices](#). If you are not the intended recipient, you may not review, copy, or distribute this message. If you have received this email in error, please contact the sender immediately and delete all copies from your system.

Mail body:

Fwd: This is Mr Orlando Acosta power of attorney for Mr Michael Hickson I am notifying you that I received the email that you sent to Mr Michael Hickson concerning our response to your request for an extension of time as an attorney you are clearly violating a Federal supreme Court ruling of law by not recognizing a US supreme Court ruling stating that anyone that is in a legal proceeding may have representation of their choice without that person being of the bar so because you are blatantly disregarding US supreme Court case law I will be notifying district Court clerk's office were the cases being held. Also I will be filing a complaint with relevant disciplinary board or the office of professional responsibility and we will also be notifying the internal revenue service and we will be filing a 3949 a form reporting these Federal violations of law you are also violating Mr Michael Hickson due process rights to have competent representation to speak on his behalf in this ...

Sent from my iPhone

Begin forwarded message:

From: Orlando Acosta <orlandoacost685@gmail.com>

Date: July 21, 2025 at 11:58:34 PM EDT

To: mikalh47@gmail.com

Subject: Fwd: This is Mr Orlando Acosta power of attorney for Mr Michael Hickson I am notifying you that I received the email that you sent to Mr Michael Hickson concerning our response to your request for an extension of time as an attorney you are clearly violating a Federal supreme Court ruling of law by not recognizing a US supreme Court ruling stating that anyone that is in a legal proceeding may have representation of their choice without that person being of the bar so because you are blatantly disregarding US supreme Court case law I will be notifying district Court clerk's office were the cases being held. Also I will be filing a complaint with relevant disciplinary board or the office of professional responsibility and we will also be notifying the internal revenue service and we will be filing a 3949 a form reporting these Federal violations of law you are also violating Mr Michael Hickson due process rights to have competent representation to speak on his behalf in this ...

----- Forwarded message -----

From: Orlando Acosta <orlandoacost685@gmail.com>

Date: Mon, Jul 21, 2025, 11:55 PM

Subject: This is Mr Orlando Acosta power of attorney for Mr Michael Hickson I am notifying you that I received the email that you sent to Mr Michael Hickson concerning our response to your request for an extension of time as an attorney you are clearly violating a Federal supreme Court ruling of law by not recognizing a US supreme Court ruling stating that anyone that is in a legal proceeding may have representation of their choice without that person being of the bar so because you are blatantly disregarding US supreme Court case law I will be notifying district Court clerk's office were the cases being held. Also I will be filing a complaint with relevant disciplinary board or the office of professional responsibility and we will also be notifying the internal revenue service and we will be filing a 3949 a form reporting these Federal violations of law you are also violating Mr Michael Hickson due process rights to have competent representation to speak on his behalf in this case ...

To: <katherine.monks@morganlewis.com>

Mail body: Fwd: Notice power of attorney Orlando Acosta

Sent from my iPhone

Begin forwarded message:

From: michael hickson <mikalh47@gmail.com>
Date: July 22, 2025 at 10:06:52AM EDT
To: orlandoacost685@gmail.com
Subject: Fwd: Notice power of attorney Orlando Acosta

Sent from my iPhone

Begin forwarded message:

From: "Monks, Katie" <katherine.monks@morganlewis.com>
Date: July 22, 2025 at 9:49:22AM EDT
To: michael hickson <mikalh47@gmail.com>
Subject: FW: Notice power of attorney Orlando Acosta

Mr. Hickson,

Because I have not heard back from you regarding whether you agree to an extension of time to respond or answer the complaint until September 3, without conditions, I am taking it as a disagreement. While I heard from Mr. Acosta, see below, I did not hear from you. Again, we must get an answer from you, not Mr. Acosta.

As I mentioned, we will file the motion for extension of time today, requesting an extension until October 3.

Please feel free to give me a call if you have any questions.

Best regards,
Katie

Katie Monks

Pronouns: She/Her/Hers

[Morgan, Lewis & Bockius LLP](#)

2222 Market Street | Philadelphia, PA 19103-3007

Direct: +1.215.963.8817 | Main: +1.215.963.5000 | Fax: +1.215.963.5001

katherine.monks@morganlewis.com | www.morganlewis.com



From: Orlando Acosta <orlandoacost685@gmail.com>

Sent: Tuesday, July 22, 2025 12:22 AM

To: Monks, Katie <katherine.monks@morganlewis.com>

Subject: Notice power of attorney Orlando Acosta

[EXTERNAL EMAIL]

This is Mr Orlando Acosta power of attorney for Mr Michael Hickson I sent you an email just a few minutes ago but my computer had a glitch so the email came out bigger than what I expected it to be so I just wanted to inform you of thattypo as it relates to the email but we will be notified the judge and filing those complaints in this case we will be placing our response and all emails on the docket to the judge in this case tomorrow.

CONFIDENTIALITY AND PRIVACY NOTICE: This email is from a law firm and may contain information that is confidential, privileged, and/or attorney work product. This email may also contain personal data, which we process in accordance with applicable data protection laws and our [Privacy Policies and Notices](#). If you are not the intended recipient, you may not review, copy, or distribute this message. If you have received this email in error, please contact the sender immediately and delete all copies from your system.



0

Orlando Acosta Yesterday
to katherine.monks ▾



0

Orlando Acosta Yesterday
to mikalh47 ▾



----- Forwarded message -----

From: Orlando Acosta <orlandoacost685@gmail.com>

Date: Mon, Jul 21, 2025, 11:55 PM

Subject: This is Mr Orlando Acosta power of attorney for Mr Michael Hickson I am notifying you that I received the email that you sent to Mr Michael Hickson concerning our response to your request for an extension of time as an attorney you are clearly violating a Federal supreme Court ruling of law by not recognizing a US supreme Court ruling stating that anyone that is in a legal proceeding may have representation of their choice without that person being of the bar so because you are blatantly disregarding US supreme Court case law I will be notifying district Court clerk's office were the cases being held. Also I will be filing a complaint with relevant disciplinary board or the office of professional responsibility and we will also be notifying the internal revenue service and we will be filing a 3949 a form reporting these Federal violations of law you are also violating Mr Michael Hickson due process rights to have competent representation to speak on his behalf in this case

...

To: <katherine.monks@morganlewis.com>

Reply

Reply all

Forward



99+





Notice power of attorney Orlando Acosta Add label ★

0

Orlando Acosta 12:21 AM
to katherine.monks ▾



This is Mr Orlando Acosta power of attorney for Mr Michael Hickson I sent you an email just a few minutes ago but my computer had a glitch so the email came out bigger than what I expected it to be so I just wanted to inform you of that typo as it relates to the email but we will be notified the judge and filing those complaints in this case we will be placing our response and all emails on the docket to the judge in this case tomorrow.

Reply

Reply all

Forward

